IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT APPLICATION OF:)) Horsnell, et al.)))) SERIAL NO.: 10/521,686)) FILED: September 19, 2005)) FOR: Printing Device And Method Using) Valve Control)) ART UNIT: 2853)) EXAMINER: Uhlenhake, Jason S.)) Confirmation No. 2174)	**Electronically Filed on November 9, 2007**

REPLY BRIEF

Mail Stop Appeal Brief – Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This Reply Brief responds to the Examiner's Answer mailed October 24, 2007. The Applicants respectfully request that the Board of Patent Appeals and Interferences reverse the final rejection of claims 1-4 of the present application.

REMARKS

Initially, the Applicants note that the arguments in the Examiner's Answer are essentially the same (indeed, almost identical) as those found in the Final Office Action. *Compare* February 26, 2007 Office Action at pages 2-5 *and* Examiner's Answer at pages 3-9 (particularly, pages 3-7). The Applicants have already refuted these arguments. *See* Appeal Brief at pages 6-13, in particular. The Applicants note in passing, however, that the Examiner's Answer does perfunctorily add a citation with respect to a motivation to combine the references (*see, e.g.,* Examiner's Answer at page 5), in contrast to the Final Office Action.

The Examiner's Answer offers an additional citation from Peer as allegedly disclosing the relevant limitations. In particular, the Examiner's Answer cites Figure 5 of Peer as disclosing "sequentially reading one or more print data sub-elements from the memory locations associated with one pre-determined time period." *See* Examiner's Answer at pages 6-7.

The Applicants submit, however, that the Examiner's Answer mischaracterizes the Applicants argument. As shown in the Appeal Brief, the Applicants demonstrate that the proposed combination of references does not describe, teach or suggest "sequentially reading one or more print data sub-elements from the memory locations associated with one pre-determined time period" **and** "repeating" the sequentially reading step **"for a subsequent pre-determined time period for each pulse generated by the pulse generating means."** *See* Appeal Brief, *e.g.,* at pages 6-8.

Moreover, Figure 5 "is a block diagram" that shows a ROM, microprocessor, RAM, drive pulse generator and other components. *See* Peer at Figure 5. The Applicants respectfully submit, however that there is nothing in Figure 5, nor the discussion related to Figure 5, that describes, teaches or suggests "sequentially reading one or more print data sub-elements from the

memory locations associated with one pre-determined time period" and **"repeating"** the sequentially reading step **"for a subsequent pre-determined time period for <u>each pulse generated by the pulse generating means,"</u>** as recited in claim 1 of the present application.

The Examiner's Answer attempts to gloss over the fact the neither Slomianny, nor Peer describe, teach or suggest **"repeating"** the sequentially reading step **"for a subsequent pre-determined time period for <u>each pulse </u>generated by the pulse generating means,"** by summarily concluding "the language 'pre-determined time period' is broad." *See* Examiner's Answer at pages 7 and 9. The Applicants respectfully submit, however, that such a conclusory statement is not an appropriate substitute for a limitation that is clearly not found in the cited references.

The Examiner's Answer primarily relies on Figure 6 of Peer as disclosing the "repeating" step noted above. The Applicants respectfully submit, however, that there simply is nothing in this flow chart, or its associated description, that describes, teaches or suggests **"repeating"** the sequentially reading step **"for a subsequent pre-determined time period for <u>each pulse generated by the pulse generating means."</u>** *See* Appeal Brief at pages 10-11.

For at least the reasons discussed in the Appeal Brief and above, the Applicants respectfully submit that the pending claims are allowable in all respects. Therefore, the Board is respectfully requested to reverse the rejections of pending claims 1-4.

Respectfully submitted,

Date: <u>November 9, 2007</u>

McANDREWS, HELD & MALLOY, LTD.
500 West Madison Street, 34th Floor
Chicago, Illinois 60661
Telephone: (312) 775-8000
Facsimile: (312) 775-8100

/Joseph M. Butscher/
Joseph M. Butscher
Registration No. 48,326